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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,726	08/25/2003	Karren Moreland	43	2147
26362 7590 07/17/2007 LOUIS J. HOFFMAN, P.C. 11811 North Tatum Boulevard, Suite 2100 Phoenix, AZ 85028			EXAMINER FERGUSON, MICHAEL P	
			ART UNIT 3679	PAPER NUMBER
			MAIL DATE 07/17/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/647,726	Applicant(s) MORELAND ET AL.	
	Examiner Michael P. Ferguson	Art Unit 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>08/14/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the handle being elongated and parallel to the wider axis of the body claimed in claims 13 and 24; and the string of Christmas lights within the track held in place by the lock claimed in claims 21 and 28 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 10-29 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 10 (lines 14-15) recites "wherein the narrower axis of the body is wider than the slot of the slotted track". The specification does not describe how one skilled in the art would insert such a lock within a slotted track or how such lock would be capable of rotating within the slotted track ; thus the specification does not enable one to make or use such an embodiment of the invention. Claims 11-19 depend from claim 10 and are likewise rejected.

Claim 14 recites "wherein the body comprises two rounded edge at opposite corners... which edges are parallel to the neck". The specification does not describe how one skilled in the art would insert such a lock within a slotted track or how such lock would be capable of rotating within the slotted track; thus the specification does not enable one to make or use such an embodiment of the invention.

Claim 16 recites "wherein the body comprises two opposite sides not parallel to each other, which sides are generally parallel to the neck". The specification does not

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describe how one skilled in the art would insert such a lock within a slotted track or how such lock would be capable of rotating within the slotted track; thus the specification does not enable one to make or use such an embodiment of the invention.

Claim 20 (lines 17-18) recites "wherein the narrower axis of the body is wider than the slot". The specification does not describe how one skilled in the art would insert such a lock within a slotted track or how such lock would be capable of rotating within the slotted track ; thus the specification does not enable one to make or use such an embodiment of the invention. Claims 21-29 depend from claim 10 and are likewise rejected.

Claim 25 recites "wherein the body comprises two opposite sides not parallel to each other, which sides are generally parallel to the neck". The specification does not describe how one skilled in the art would insert such a lock within a slotted track or how such lock would be capable of rotating within the slotted track; thus the specification does not enable one to make or use such an embodiment of the invention.

Claim 27 recites "wherein the body comprises two rounded edge at opposite corners... which edges are parallel to the neck". The specification does not describe how one skilled in the art would insert such a lock within a slotted track or how such lock would be capable of rotating within the slotted track; thus the specification does not enable one to make or use such an embodiment of the invention.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 10-13, 17, 20-24 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Moreland (US 6,364,508).

As to claim 10, Moreland discloses a one-piece lock for use with a slotted track system **20** comprising:

a body **82** having a wider axis and a narrower axis;

a finger-turnable handle **86**; and

a neck **84** formed integrally with the body at one end and formed integrally with the handle at the other end;

wherein one end of the neck extends from the body in a direction generally perpendicular to a plane containing the wider axis and the narrower axis of the body;

wherein the neck is sized to extend through the slot of a slotted track **20**;

wherein the body is sized to fit loosely within the interior of the slotted track when the wider axis is parallel to the track and to fit snugly within the interior of the slotted track when the narrower axis is parallel to the track; and

wherein the narrower axis of the body is wider than the slot of the slotted track (Figures 1 and 2).

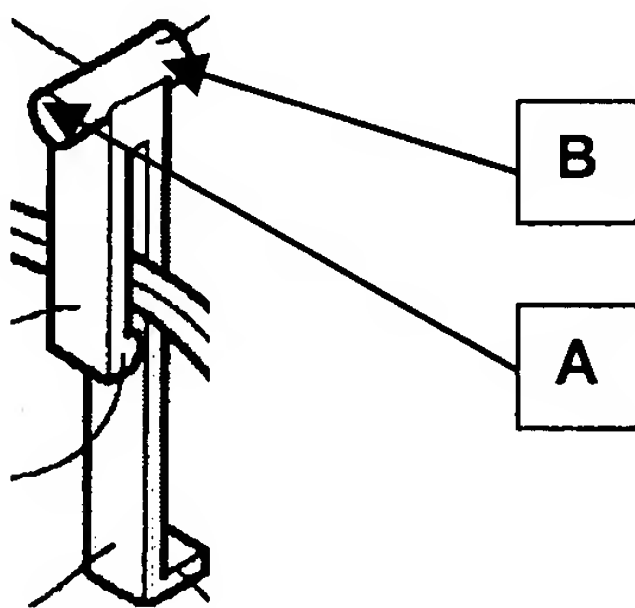
As to claim 11, Moreland discloses a lock wherein the handle **86** is elongated and the neck **84** is formed integrally with the handle at a point near one end of the handle (Figure 2).

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As to claim 12, Moreland discloses a lock wherein the handle **86** is elongated and parallel to the narrower axis of the body **82** (handle **86** is parallel to the plane containing the narrower axis of body **82**; Figure 2).

As to claim 13, Moreland discloses a lock wherein the handle **86** is elongated and parallel to the wider axis of the body **82** (Figure 2).

As to claim 17, Moreland discloses a lock wherein, measured along the intersection of the body **82** and a plane passing through the neck **84**, a first side **A** (Figure 2 reprinted below with annotations) of the body adjacent to the neck is wider than an opposing side **B** of the body (Figure 2).



As to claim 20, Moreland discloses a track and lock system comprising:

- a track **20** having a box-shaped cross-section with a slot on one side of the box;
- and
- a one-piece lock comprising:
 - a body **82** having a wider axis and a narrower axis;
 - a finger-turnable handle **86**; and
 - a neck **84** formed integrally with the body at one end and formed integrally with the handle at the other end;

wherein one end of the neck extends from the body in a direction generally perpendicular to a plane containing the wider axis and the narrower axis of the body;

wherein the neck is sized to extend through the slot;

wherein the body is sized to fit loosely within the interior of the track when the wider axis is parallel to the track and to fit snugly within the interior of the track when the narrower axis is parallel to the track; and

wherein the narrower axis of the body is wider than the slot (Figures 1 and 2).

As to claim 21, Moreland discloses a system comprising a string of Christmas lights **5**, wherein the wire of the light string is within the track **20** and held in place by the lock (Figure 2).

As to claim 22, Moreland discloses a system wherein the track **20** is secured to a house (Figure 1).

As to claim 23, Moreland discloses a system wherein the handle **86** is elongated and parallel to the narrower axis of the body **82** (handle **86** is parallel to the plane containing the narrower axis of body **82**; Figure 2).

As to claim 24, Moreland discloses a system wherein the handle **86** is elongated and parallel to the wider axis of the body **82** (Figure 2).

As to claim 26, Moreland discloses a system wherein, measured along the intersection of the body **82** and a plane passing through the neck **84**, a first side **A** of the body adjacent to the neck is wider than an opposing side **B** of the body (Figure 2).

6. Claims 10-20 and 22-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Onishi (US 6,588,711).

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As to claim 10, Onishi discloses a one-piece lock for use with a slotted track system **2** comprising:

a body **1** having a wider axis and a narrower axis;

a finger-turnable handle **31**; and

a neck **33** formed integrally with the body at one end and formed integrally with the handle at the other end;

wherein one end of the neck extends from the body in a direction generally perpendicular to a plane containing the wider axis and the narrower axis of the body;

wherein the neck is sized to extend through the slot of a slotted track **2**;

wherein the body is sized to fit loosely within the interior of the slotted track when the wider axis is parallel to the track and to fit snugly within the interior of the slotted track when the narrower axis is parallel to the track; and

wherein the narrower axis of the body is wider than the slot of the slotted track (Figures 1-5B).

As to claim 11, Onishi discloses a lock wherein the handle **31** is elongated and the neck **33** is formed integrally with the handle at a point near one end of the handle (Figure 1).

As to claim 12, Onishi discloses a lock wherein the handle **31** is elongated and parallel to the narrower axis of the body **1** (Figure 1).

As to claim 13, Onishi discloses a lock wherein the handle **31** is elongated and parallel to the wider axis of the body **1** (Figure 1).

As to claim 14, Onishi discloses a lock wherein the body **1** comprises two rounded edges at opposite corners of a generally box-shaped body, which edges are parallel to the neck **33** (Figure 2).

As to claim 15, Onishi discloses a lock comprising a collar **32** integrally formed with and between the neck **33** and the handle **31** (Figure 1).

As to claim 16, Onishi discloses a lock wherein the body **1** has two opposite sides not parallel to each other, which sides are generally parallel to the neck **33** (Figure 1).

As to claim 17, Onishi discloses a lock wherein, measured along the intersection of the body **1** and a plane passing through the neck **33**, a first side **100** of the body adjacent to the neck is wider than an opposing side **111** of the body (Figure 2).

As to claim 18, Onishi discloses a lock wherein the body **1** comprises two rounded edges at opposite corners of a generally box-shaped body, which edges are parallel to the neck **33** (Figure 1).

As to claim 19, Onishi discloses a lock wherein the handle **31** is elongated and the neck **33** is formed integrally with the handle at a point near one end of the handle (Figure 1).

As to claim 20, Onishi discloses a track and lock system comprising:
a track **2** having a box-shaped cross-section with a slot on one side of the box;
and
a one-piece lock comprising:
a body **1** having a wider axis and a narrower axis;

a finger-turnable handle **31**; and

a neck **33** formed integrally with the body at one end and formed integrally with the handle at the other end;

wherein one end of the neck extends from the body in a direction generally perpendicular to a plane containing the wider axis and the narrower axis of the body;

wherein the neck is sized to extend through the slot;

wherein the body is sized to fit loosely within the interior of the track when the wider axis is parallel to the track and to fit snugly within the interior of the track when the narrower axis is parallel to the track; and

wherein the narrower axis of the body is wider than the slot (Figures 1-5B).

As to claim 22, Onishi discloses a system wherein the track **2** is secured to a house (inherently, duct **A** is located within a house or building; Figure 1).

As to claim 23, Onishi discloses a system wherein the handle **31** is elongated and parallel to the narrower axis of the body **1** (Figure 1).

As to claim 24, Onishi discloses a system wherein the handle **31** is elongated and parallel to the wider axis of the body **1** (Figure 1).

As to claim 25, Onishi discloses a system wherein the body **1** has two opposite sides not parallel to each other, which sides are generally parallel to the neck **33** (Figure 1).

As to claim 26, Onishi discloses a system wherein, measured along the intersection of the body **1** and a plane passing through the neck **33**, a first side **100** of the body adjacent to the neck is wider than an opposing side **111** of the body (Figure 1).

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As to claim 27, Onishi discloses a system wherein the body 1 comprises two rounded edges at opposite corners of a generally box-shaped body, which edges are parallel to the neck 33 (Figure 1).

Response to Arguments

Applicant's arguments with respect to claims 10-29 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure. The following patents show the state of the art with respect to track lock assemblies:

MB
7-9-07 Carson (US 2,692,375), Weiss (US ^{Des.} 4,175,485) and Moreland (US 7,159,998) are cited for pertaining to assemblies comprising a lock comprising a body and a handle.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. New claims 10-29 necessitated the new grounds of rejection. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of


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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Ferguson whose telephone number is (571)272-7081. The examiner can normally be reached on M-F (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571)272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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07/06/07


GREGORY J. BINDA
PRIMARY EXAMINER